

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4421 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

MURLIDHAR P NAGRI HEIR & LR'S OF DEVKINANDAN P NAGRI

Versus

SPECIAL LAND ACQUISITION OFFICER

Appearance:

MS V.P.Shah for Petitioners
Mr.Mr.Anand G.P. with Kamal
Mehta AGP for Respondent No. 1
SERVED for Respondent No. 3

CORAM : MR.JUSTICE N.J.PANDYA and
MR.JUSTICE S.D.PANDIT

Date of decision: 02/09/96

ORAL JUDGEMENT(Per:Pandya.J)

In view of the judgment of the Supreme Court

reported in AIR 1989 SC in the case of Union of India vs. Raghuvir Singh, this petition would not survive. The petition is for getting benefit of 1984 amendment in Land Acquisition Act. The earlier the decision was that for the matters which came to be decided after the amendment was brought into effect, retrospective effect of the amendment can be granted to the claimants. By the said Supreme Court judgment (Raghuvir Singh's case Supra) the position has now been clarified. The benefit shall be available only in those appeals decided by the High Court which have arisen out of the award passed by the Collector or between the introduction of the amendment bill and date of its passing.

2. In the instant case the award was definitely of a prior date. Hence there is no question of considering the request made in this petition. The petition is therefore, dismissed. Rule discharged. No order as to costs.

(N.J.Pandya.J)

(S.D.Pandit.J)